

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**MARIE TOOLE and CHRIS TOOLE,)
Plaintiffs,)
v.)
MATTHEW CHUPP; DON BRAMLETT)
and ALFA INSURANCE COMPANY)
and fictitious defendants A-F,)
Defendants.)**

) **CASE NO. 2:06-cv-00652-MHT**

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to *Fed.R.Civ.P.26(f)*, the following attorneys conferred on or about September 25, 2006:

Jim S. Calton, Jr., counsel for Plaintiff.

Randall Morgan, counsel for Defendants Matthew Chupp and Don Bramlett.

2. Pre-Discovery Disclosures. The Parties will exchange the information required by *Fed.R.Civ.P.26(a)(1)* by October 16, 2006.

3. Discovery Plan. Discovery will be required on the allegations made in Plaintiff's complaint and the defenses raised in Defendant's answer. The parties jointly propose to the court the following discovery plan:

- a. All discovery commenced in time to be completed by the pre-trial conference;
- b. A total of 40 Interrogatories and 40 Requests for Production by the Plaintiff and by each Defendant to any other party. Responses due thirty (30) days after service.
- c. A total of 30 Requests for Admission by the Plaintiff and by each Defendant to any other party. Responses due thirty (30) days after service.

- d. The parties have agreed to limit depositions to a total of five (5) on behalf of either party except by agreement of the parties or for good cause.
- e. Each deposition, except for experts, shall be limited to a maximum of four (4) hours unless extended by agreement of parties. Expert depositions shall be limited to a maximum of six (6) hours unless extended by agreement of parties.
- f. Reports from retained experts under Rule 26(a)(2) due:
From Plaintiff by January 8, 2007.
From Defendant by February 8, 2007.
- g. The parties agree to supplement discovery pursuant to Rule 26(e).

4. Other items.

- a. The parties do not request a conference with the court before entry of the Scheduling Order. To the extent the Court prefers to hold such a conference, the parties respectfully request that it be handled telephonically.
- b. The parties request a pre-trial conference in April, 2007.
- c. Plaintiff should be allowed until November 15, 2006, to join additional parties and until November 15, 2006, to amend pleadings.
- d. Defendant should be allowed until December 15, 2006, to join additional parties and until December 15, 2006, to amend pleadings.
- e. All potentially dispositive motions should be filed ninety days before pre-trial conference.
- f. As this matter has only recently been filed, settlement cannot be evaluated at this time, although the parties are hopeful that they will be able to reach an amicable resolution of this matter and will negotiate in good faith in this regard.
- g. Final lists of witnesses under Rule 26(a)(3) should be due:
From Plaintiff by twenty-one (21) days before pre-trial conference.
From Defendant by twenty-one (21) days before pre-trial

conference.

- h. Final lists of exhibits under Rule 26(a)(3) should be due twenty-one (21) days before trial date.
- i. Parties shall have fourteen (14) days after service of final lists of witnesses to list objections under Rule 26(a)(3).
- j. Parties shall have fourteen (14) days after service of exhibit lists to file objections.

The case should be ready for trial by July 23, 2007, and at this time is expected to take approximately two days.

/s/ *Jim S. Calton, Jr.*

Jim S. Calton, Jr. (CAL052)
Attorney for Plaintiffs Marie Toole and
Chris Toole

OF COUNSEL:

Calton & Calton
226 East Broad Street
P O Box 895
Eufaula, AL 36072

/s/ *Randall Morgan*

RANDALL MORGAN [MOR037]
Attorney for Defendants Matthew
Chupp and Don Bramlett

OF COUNSEL:

**HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.**
425 South Perry Street
P.O. Box 116
Montgomery, AL 36101-0116
(334) 834-7600
(334) 263-5969 - FAX